

has this Court ET 2-103. There is presently pending in the Orphans' Court for Worchester County a Petition filed by Charles W. Foster, Personal Representative of the estate of Thelma Foster, deceased, for an order directing Plaintiff to show cause why Decedent's two-thirds interest in the subject property should not be sold. A copy of which is attached hereto.

(c) Since the purpose of the proposed sale is to liquidate Plaintiff personal administrator's interest in the common real estate to satisfy debts of the Decedent, it is proper and equitable that only Plaintiff's interest be sold involuntarily, which may be accomplished in the pending Probate Proceedings without causing an involuntary sale of Defendant's interests as well.

(d) Defendant does not desire to be forced to liquidate its interest in the common property, and is advised that such an involuntary, forced liquidation will likely adversely affect its interests by causing it to incur increased expenses of sale and a lower sale price than otherwise would be realized.

(e) Sale of this Real Property through forced partition to satisfy claims of the estate's creditors is not necessary or proper. The estate has interests in two joint ventures in Prince George's County, the value of which totals \$45,813.00 as shown by the appraisals by Plaintiff's appraiser in the Probate proceeding, copies of which are filed herewith. Under Maryland law, real property of the decedent may be sold to satisfy claims only after the personal estate has been exhausted. Sykes, Probate Law and Practice, § 642.

(f) By letter of May 1, 1981 Counsel for Defendant offered to cooperate in a voluntary private sale at fair market price to be determined by an appraisal funded by the parties in